

ESTTA Tracking number: **ESTTA688368**

Filing date: **08/07/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Barnlight Originals, Inc.
Granted to Date of previous extension	08/08/2015
Address	3315 HWY 50 Silver Springs, NV 89429 UNITED STATES
Attorney information	Debra D. Faulk and Michael J. Colitz GrayRobinson PA PO Box 3324 Tampa, FL 33602 UNITED STATES ptotpa@gray-robinson.com Phone:8132735000

Applicant Information

Application No	86476717	Publication date	06/09/2015
Opposition Filing Date	08/07/2015	Opposition Period Ends	08/08/2015
Applicant	Barn Light Electric Company, LLC 3405 South Washington Avenue Titusville, FL 32780 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2008/02/12 First Use In Commerce: 2008/02/14

All goods and services in the class are opposed, namely: The bringing together, for the benefit of others, of a variety of goods, namely, lights, lighting fixtures and ceiling fans, enabling customers to conveniently view and purchase those goods from an Internet web site particularly specializing in the marketing of the sale of goods

Grounds for Opposition

Genericness	Trademark Act section 23
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Attachments	BL Opposition.pdf(33406 bytes) BL Opposition Exhibit A to Notice.pdf(1014781 bytes) BL Opposition Exhibit B to Notice.pdf(617813 bytes) BL Opposition Exhibit C to Notice.pdf(5219985 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/debra deardourff faulk/
Name	Debra D. Faulk and Michael J. Colitz
Date	08/07/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application:

Mark: **BARN LIGHT ELECTRIC COMPANY**
Applicant: Barn Light Electric Company, LLC
Serial No.: 86/476,717
Published: June 9, 2015

Barnlight Originals, Inc.	:	
	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
Barn Light Electric Company, LLC	:	
	:	
	:	
Applicant.	:	
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NOTICE OF OPPOSITION

Barnlight Originals, Inc., a corporation duly organized and existing under the laws of the State of Nevada, having its principal place of business at 3315 HWY 50 Silver Springs, NV 89429 (hereinafter the “Opposer”), believes it would be damaged by the registration of the mark BARN LIGHT ELECTRIC COMPANY, Serial No. 86/476,717, filed on December 10, 2014 by Barn Light Electric Company, LLC, a Florida Limited Liability Company, with a principal place of business at 3405 South Washington Avenue Titusville FLORIDA 32780 (hereinafter the “Applicant”). Applicant’s mark was published for opposition in the Official Gazette on June 9, 2015. Following Opposer’s 30 day Request for Extension of Time to Oppose, Opposer was given until August 8, 2015 in which to oppose the subject application.

The grounds for the opposition are as follows:

1. Opposer's Marks

1. Since January, 2013, Opposer has continually maintained an on-line retail store featuring commercial and residential lighting, lamps and accessories under the mark BARNLIGHT ORIGINALS INC.

2. Opposer has invested substantial time, effort, and expense in extensive marketing, promotion, and advertising throughout the United States for the goods sold under the BARNLIGHT ORIGINALS INC mark.

3. Opposer is the owner of U.S. Trademark Registration 4,464,241 for the word mark BARNLIGHT ORIGINALS INC in International Class 35 for “[o]n-line retail store services featuring commercial and residential lighting, lamps and accessories.” The terms “BARN LIGHT” and “INC” are disclaimed in Opposer’s registration.

4. Opposer is also owner of U.S. Trademark Registration 4,489,514 for the stylized design mark depicted below in International Class 35 for “[o]n-line retail store services featuring commercial and residential lighting, lamps and accessories.” The term “BARN LIGHT ORIGINALS” is disclaimed in the registration.



2. Applicant's Marks

5. Applicant is the owner of Registration No. 3,723,964 for the word mark BARN LIGHT ELECTRIC COMPANY for the following goods and services, “[t]he bringing together,

for the benefit of others, of a variety of goods, namely, lights, lighting fixtures and ceiling fans, enabling customers to conveniently view and purchase those goods from an Internet web site particularly specializing in the marketing of the sale of goods.” Notably, in this registration Applicant disclaimed use of the terms “BARN LIGHT” and “COMPANY.”

6. Applicant is also the owner of Registration No. 3,748,277 for a stylized design mark incorporating BARN LIGHT ELECTRIC CO. and having the following goods and services description, “[t]he bringing together, for the benefit of others, of a variety of goods, namely lights, light fixtures and ceiling fans, enabling customers to conveniently view and purchase those goods from an Internet web site particularly specializing in the marketing of the sale of goods of others.” This registration disclaims the use of the terms “BARN LIGHT ELECTRIC COMPANY.”

7. Applicant’s current application for BARN LIGHT ELECTRIC COMPANY (Serial No. 86/476,717) contains substantially the same goods and services description; namely, “[t]he bringing together, for the benefit of others, of a variety of goods, namely lights, light fixtures and ceiling fans, enabling customers to conveniently view and purchase those goods from an Internet web site particularly specializing in the marketing of the sale of goods.” However, Applicant has not disclaimed or attempted to disclaim “BARN LIGHT” in the subject application.

3. Barn Light is Generic

8. Applicant should be required to disclaim “BARN LIGHT” as it is generic to Applicant’s goods. Applicant is, therefore, not entitled to adopt, use, or seek registration of BARN LIGHT ELECTRIC COMPANY in the absence of such a disclaimer.

9. Applicant openly acknowledges that “BARN LIGHT” is a generic term for a light or lighting fixture. In a posting on its blog site Applicant noted that “[w]hen you use the term barn light, some people may only think of RLM warehouse shades. After all, this is the commonly used term to describe the quintessential warehouse shades that were first crafted back in the 1930s.” See Exhibit A (<http://www.blog.barnlightelectric.com/rustic-chandeliers-add-bit-of-elegance-to-ny-horse-barn/>) (last visited 08/02/2015)).

10. Applicant’s blog contains additional examples of barn light being used generically. “While the bowl-shape of an RLM warehouse shade leaps to mind when you think of the words “barn light” there are actually many variations on this classic light. Shades can be quite deep and focus their light directly below or be very shallow and flat which throws a wider span of light.” See Exhibit B (<http://www.blog.barnlightelectric.com/shallow-bowl-warehouse-shade-adds-whimsical-touch-to-cafe/>) (last visited 08/02/2015)).

11. There are also numerous examples of third parties using barn light generically. The website Lamps USA notes that “[w]hile there is no “official” definition, “barn lighting” is generally referred to as a wide metal shade pointed downward, often with a long “goose-neck.” The metal shade directs all the light downward and creates a dark void above the light. Often when shoppers say “barn lights” they are thinking of gooseneck lights because the long neck is so common.” See Exhibit C (<http://www.lampsusa.com/blogs/get-the-look/14526725-get-the-look-barn-lights>) (last visited 08/02/2015)).

WHEREFORE, Opposer respectfully requests that this Opposition to the registration of Application Serial No. 86/476,717 be sustained and that Applicant’s registration for BARN LIGHT ELECTRIC COMPANY be refused.

Opposer hereby appoints GrayRobinson, PA to act as its attorney with full power to prosecute this opposition, to transact all relevant business in the Patent and Trademark Office, and to receive all communications with respect to this opposition.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17).

Dated: August 7, 2015

Respectfully submitted,

/debra d faulk/

Debra D. Faulk

Florida Bar No. 0634425

Michael J. Colitz, III

Florida Bar No.: 164348

GrayRobinson, P.A.

401 E. Jackson Street, Suite 2700

Tampa, Florida 33602

Tel: (813) 273-5000

Fax: (813) 273-5145

debra.faulk@gray-robinson.com

michael.colitz@gray-robinson.com

Attorneys for Opposer

Exhibit A

[Shop Now!](#) [Professionals Corner](#) [By Room](#) [Featured Customer](#)

THE BARN LIGHT

by Barn Light Electric

Posted by Betty+ on Dec 26, 2012 | [0 comments](#)

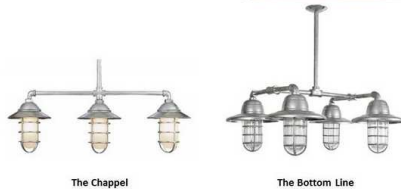
RUSTIC CHANDELIERS ADD BIT OF ELEGANCE TO NY HORSE BARN

When you use the term [barn light](#), some people may only think of [RLM warehouse shades](#). After all, this is the commonly used term to describe the quintessential warehouse shades that were first crafted back in the 1930s. But this photo brings a whole new meaning to the term!

These beautiful [rustic chandeliers](#) are found in one of the barns at The Pavilion Farm, located in North Salem, New York. Though less than an hour from New York City, this state-of-the-art hunter/jumper facility is clearly a world away. The barn is constructed of wall-to-wall yellow pine and features 22-foot ceilings. Highlighting this space are rustic chandeliers much like our [3-Light Industrial Chandelier The Chapel](#). This rugged, [American made](#) fixture features three cast guard and glass lights that can be finished in your choice of 19 finish colors. Several stem mount sizes are available and you can choose clear, frosted, ribbed or amber glass to give your chandelier a distinctive look. Rated for wet locations, this fixture would be right at home in the barn, on a porch, or in a workshop.

The same cast guard and glass look can be had in a two-light industrial chandelier called [The Partnership](#). This 23" wide fixture can provide plenty of light in a smaller space but still has loads of rustic charm. For larger spaces or commercial venues, consider our [4-Light Industrial Chandelier The Bottom Line](#) or a 6-light version dubbed [The Factory Overhead](#). Both of these rugged lights provide a distinctly industrial look with their cast guard units attached to a patchwork of stems.

And even though the holiday wrappings are out with the trash, you can still take advantage of our Holiday Sale! Enjoy **FREE SHIPPING** with any purchase and save an additional 10% off our [Porcelain Enamel Lighting](#) fixtures from now until January 4th, 2013 at 11:59pm PST. Just enter **STOCKING12** into the Discount Coupon Field at checkout!



Top photo courtesy The Pavilion Farm

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Posted by Betty L* on Jan 21, 2013 | 0 comments

SHALLOW BOWL WAREHOUSE SHADE ADDS WHIMSICAL TOUCH TO CAFE

While the bowl-shape of an [RLM warehouse shade](#) leaps to mind when you think of the words "[barn light](#)" there are actually many variations on this classic light. Shades can be quite deep and focus their light directly below or be very shallow and flat which throws a wider span of light.

The shallow, wavy shade of this beautiful gooseneck light is a classic design straight from the 1930s when these fixtures were often spotted at roadside gas stations. You remember those — where someone actually pumped your gas, checked your oil, and cleaned your windshield?

This shade, found in a small café in Tennessee, adds a whimsical element to the simple décor. This fixture looks like our [Starfire Radial Wave Reflector Gooseneck Light](#), a fun and flirty shade attached to a sturdy [gooseneck arm](#) to bring the shade up and away from the wall.

The [American-made](#) Starfire is available in three shade sizes and 12 durable powdercoat finish colors. Choose from more than 20 gooseneck arms, in a variety of styles, to give your light the perfect projection for your space. If you're looking for some vintage flavor, add [a cast guard and glass](#) which is customizable with finish color and either clear, frosted, or ribbed glass.

A budget-friendly choice for residential applications, the Starfire is also a great pick for commercial [lighting applications](#) such as restaurants, retail spaces, and offices. These shades are hand-crafted by our artisans from commercial grade steel and designed to withstand heavy traffic areas. Complementary fixtures such as the [Starfire Radial Wave Reflector Cord Pendant Light](#) and the [Starfire Radial Wave Reflector Wall Sconce](#) are also available to help carry the look throughout a commercial space.

And if you prefer the long-lasting durability and high-gloss shine of [porcelain enamel lighting](#), this wavy design is available as the [Goodrich® Seaside Radial Wave Reflector Porcelain Gooseneck Light](#) and the [Ivanhoe® Seaside Radial Wave Reflector Porcelain Pendant Light](#).

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Get The Look - Barn Lights

Posted on June 19, 2015 by Steve Brielemaier | 0 comments

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Vintage Barn Lighting Trend

Distressed decor has been popular for years. So it's no surprise that the hottest trend is vintage barn replica lighting. Many Barn lights feature classic metal shade in a warehouse or industrial style. Barn wall lights normally feature a traditional goose-neck arm, which extends the light fixture outward so the light can shine back towards the barn. Barn lights exude a sense of connection to the past. They are understated and honest, taking you back to a simpler time. Because they revel in the art of re-purposing, they give a stunning showcase of ingenuity. In a world where almost everything has become virtual, these lights are blatantly real. Barn lighting can give you a look reminiscent of old barns and farm-life. If you want more character in your outdoor space, and home interior, barn lighting would be a great pick. Traditional barn lights look great at your front entry, at your retail storefront or even on your barn or garage.



Definition of Barn Lighting

While there is no "official" definition, "barn lighting" is generally referred to as a wide metal shade pointed downward, often with a long "goose-neck." The metal shade directs all the light downward and creates a dark void above the light. Often when shoppers say "barn lights" they are thinking of goose-neck lights because the long neck is so common. But Barn Lights are not always connected to a wall and when the same simple metal style is used for pendants, they are still termed "barn-lights." Barn lighting is often mixed with other simple-designed early century styles, like warehouse lighting, industrial lighting or marine lighting. The original RLM? A common lighting industry term you may hear is RLM, or reflector luminaire manufacturer. This is a fixture designed to project light downward, so barn lights might have been the original electric light RLMs. Lighting designers today specify RLMs to prevent "light pollution" so they can comply with Dark Sky ordinances.



Anatomy of a Barn Light Fixture

Gooseneck - most barn wall lights have a long stem resembling the neck of a goose. Most fixtures made today do not have flexible stems

Round Canopy - Because the barn light is round, the canopy that attaches to the wall is also round. Be careful that your round canopy will fully cover your square junction box



Fashion Finishes - Original Barn Lights came mostly in "John Deere" Porcelain Green, but today you can match your other hardware with great copper, bronze and pewter finishes

Metal Shades - Cast 100% of the light downward, so barn lights act as a large

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Quorum Wall Sconce 74086

pollution' with a metal goose-neck barn light!

unsightly bare bulbs

Top 10 Ways to Decorate with Rustic Barn Light Fixtures

Designers love goose-neck barn lights not just for their classic retro look and versatility, but for the interesting light they project. The metal shade broadcasts all the light downward, creating dramatic contrasts. Here is where designers are using Barn Lights today:

1. **Barns** - OK, this one is obvious, but the trend towards restoring old barns party and reception halls has injected new interest in authentic light fixtures.
2. **Farm Style House** - Restoring an older farmhouse or building a replica, barn lights lend a spirit of authenticity to your farm style home.
3. **Warehouse Loft** - Since Warehouse lights and Barn lights share a similar evolution, lots of loft apartments and studios decorate use barn lights to enhance the retro vibe and create dramatic shadowing.
4. **Garage** - If you want more than just a bare bulb, barn lights match the functional grit of a garage.
5. **Basement / Man Cave** - Galvanized metal Barn fixtures fit well in any rugged motif.
6. **Retail Storefront** - Even if the store does not have a retro theme, barn fixtures are great for highlighting retail signs and entryways. The downward light concentrates on your sign, making Goose-neck lights ideal for storefronts.
7. **Industrial Buildings** - Just like retail buildings, signs can be well lit with an RLM. Today many use LED bulbs to save on electricity.
8. **Outdoors** - Because barn lights are so versatile, they match most home styles. Almost any home looks good with barn lights.
9. **BBQ Restaurants** - Did you ever go to a Famous Daves or Dickey's that didn't have barn lights? They just create an authentically rugged charm.
10. **Summer Cabin** - Barn lights add rustic charm to carefree summer days.



History of Vintage Barn Lighting

When electricity became widely available in the 1920's, farmers could finally light up their barn doors so they could see at night. Other buildings of that era like warehouses, train stations, gas stations, and factories used these simple metal lights to illuminate their outside entrances. So whether the trend started on a barn or not, the public started calling them barn lights and the name stuck to this day. The steel of early barn lights was covered with reflective white porcelain enamel on the inside and colorful porcelain enamel on the outside, often green in color. The polished porcelain enamel was used for its durability and resistance to bugs and dirt. The smooth, slick surfaces were very easy to clean. In fact, the lights were so durable they often outlasted the barn itself! Barn lights spread in popularity through from 1920-1965. Vintage porcelain production is a messy, often producing dust and carbonate, nitrates, and fluoride vapors.[1] So in 1963, new tougher EPA Regulations greatly curtailed the steel and the Porcelain Enamel finishing process. So most authentic vintage fixtures stopped production and barns often transitioned to more modern flood lights.



Restoring Vintage Barn Lights

Yes, you can still find genuine reclaimed barn lights. Just like the trend to restore warehouse lights and school-house lights, there is a small industry devoted to finding, salvaging and re-claiming retro barn light fixtures. Any light that was used outdoors for decades will need refinishing, so find a craftsman who can faithfully restore it to original condition. If you can't find (or afford!) an original, don't fret because lots of manufacturers today are making modern versions of

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the classic lights. Today's Barn fixtures are made from a durable, weather-resistant aluminum or steel. You might even find some high-end fixtures made from porcelain enamel for a classic retro look.

7 Tips for Choosing the Right Barn lights

- Know what area you want to light - Do you need to light a sign, flood an entryway, or just give ambient light? Your gooseneck and bulb options will change depending on your answer.
- Include other light layers - Barn light provide good task and accent light, but since all the light shines downward, they really don't provide great overall "ambient" light. They really are like oversized recessed lights. If you mount them high enough, this lack of ambient light is not a problem since you don't need much light above the fixture. But for indoor use, think of what other light layers you have or need to add to avoid shadows and dark ceilings.
- Measure your available space - Because of their long "goose-necks", barn fixtures extend out and up further than standard light fixtures.
- Measure the Canopy - Most Barn light canopies are round, so if you junction box is square, you may have a problem. Measure your junction box. If the canopy diameter is larger than the largest edge, you will be ok. If not, you will have a gap. Sometimes we can get a larger canopy, so be sure to ask prior to ordering.
- Best Bulb? - Incandescent, CFL, or LED? All have their advantages. Read our bulb comparison guide for a full analysis of your choices.
- Finish? - Historically Barn lights were often green, but today you have a wide variety of colors and metal finishes. You can decide if you want to blend with your other colors or contrast. Both can work well. Talk to your designer or send us and image if you would like an expert opinion. Many finishes and styles are available, so you can find a unique and modern masterpiece that will seamlessly fit right into your home.
- Dark Sky? - Most Barn lights are naturally dark-sky compliant because the light is shaded and it shines downward. If you need to be 100% dark-sky compliant, then be sure your fixture says so.



The barn lights that are available in the market these days are stunning lights that can complement both the exterior façade of a building. It can also be used as a decoration for porches, patios, and entryways. They also come in a variety of sizes, shapes, and styles to cater to the design preferences of every homeowner. While barn lighting is distinct with its gooseneck arm extensions, many models today have focused an antique look, glass globes and wire guards for a more industrial look. These lights can easily be mounted on wall, on signs, and on other areas. Many of the barn lights today are secured inside box or wall back plate with mounting holes to make the installation far easier. And because they are mostly used outdoors, they are mostly coated with durable finishes to provide protection against moisture and heat. Barn lights can give any home a distinct look that is reminiscent of the atmosphere of old barns and farms. For homeowners who are looking to bring in more character to their backyard fences, outdoor decks, and home interiors, barn lighting would be a great pick. With the array of styles that they are available today, everyone should find a unique and modern masterpiece that will seamlessly fit right into their home.

[1] Air Pollution Abatement in the Ceramic Industry, Michael Bozsin , Journal of Air Pollution Control Association, June 1966 p. 333

Shop all Barn Lighting



\$143.00 ~~\$214.99~~ In Stock
Quorum 17" h 1-Light Outdoor Wall Lantern
Oiled Bronze 761386
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★★★★☆ 3 reviews



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